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RUEHNY/AMEMBASSY OSLO PRIORITY 3584
RUEHKO/AMEMBASSY TOKYO PRIORITY 2661
RUEHCG/AMCONSUL CHENNAI PRIORITY 7359
RUEHBI/AMCONSUL MUMBAI PRIORITY 5093
RUEHGV/USMISSION GENEVA PRIORITY 1761
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000176

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DEPARTMENT FOR SCA/INS, MCC FOR S GROFF, D NASSIRY, E BURKE
AND F REID

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SUBJECT: SRI LANKA: HUMAN RIGHTS MINISTER VOWS NOT TO TAKE
PART IN "WHITE WASH"

REF: COLOMBO 134 AND PREVIOUS

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

¶1. (C) Summary. Ambassador met with Minister of Disaster Relief and Human Rights Mahinda Samarasinghe January 30 to share with him a list of suggested actions the Government could take to address the human rights situation. The deeply frustrated Minister (strictly protect throughout) expressed concern that the President and his two brothers have rendered his human rights and humanitarian access efforts ineffective and that he would not sacrifice his political career to become "part of a white wash" for the Government of Sri Lanka's (GSL) recent human rights violations. Ambassador invited the Minister to participate in a press conference with several other heads of mission to express support for the good work that NGOs do for the citizens of Sri Lanka and counter the recent negative publicity international NGOs have been subject to. Minister Samarasinghe agreed, and asked that Ambassador also take his humanitarian message directly to President Rajapaksa. End summary.

Sidelined By Rajapaksa Brothers

¶2. (C) Ambassador met with Minister of Disaster Relief and Human Rights Mahinda Samarasinghe January 30 to share with him a list of requests from non-governmental organizations regarding access and the ability to work in Sri Lanka. Ambassador explained that the list grew out of a meeting the Ambassador chaired with all of Sri Lanka's major human rights organizations. The Ambassador had asked for their advice of what steps the Government should take to address the deteriorating human rights situation. The Ambassador presented Samarasinghe the following list, noting that they were not in any priority order:

Human rights organizations ask that the GSL:

-- Implement or amend the 17th Amendment in order to activate the independent commissions. Due to their inactivity, there is little or no accountability by power

holders.

- Allow the Constitutional Council to appoint suitable persons with good track records to the National Human Rights Commission. The persons who were appointed to the Presidential Commission of Inquiry to investigate into Serious Violations of Human Rights are good examples of suitable persons.
- Activate the MOU with the UNP to cooperate both on good governance and peace process.
- Reactivate the peace process by honoring the Ceasefire Agreement, and getting the Norwegian facilitators and the SLMM back into action.
- Give humanitarian access to NGOs to conflict areas in the east and in Jaffna.
- Stop anti-NGO propaganda by state media.
- Compensate civilian victims of violence equitably. The compensation packages extended to the victims of the bus bombings in the south should be extended to victims of air and mortar bombing and collateral damage in the north east.
- Permit freedom of expression to the media, and freedom of meeting to political and civic activists to peacefully canvass their causes without harassment.
- Implement a Media Freedom Act.

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- Take seriously Ambassador Rock's report of complicity between GOSL security forces and the Karuna Faction and address this concern within the military. Monitor the actions of the Karuna Faction and provide redress to families and communities who have had their children abducted.
- Investigate immediately human rights abuses, specifically abductions and extrajudicial killings and take appropriate measures to prosecute and punish those responsibly. Ensure transparency so the public is aware of actions taken to punish human rights violators.
- Implement a fair Freedom of Information Act to reduce corruption.
- Provide safe havens and protection to conflict-affected populations. Physically separate disputants to prevent further violence.

13. (C) The Ambassador reiterated that the GSL should expect to receive severe international criticism for its failure to take action to address the grave human rights situation. Ambassador stated that the GSL had made "process progress" on such matters as the Commission of Inquiry but had not taken concrete actions such as those listed above. Taking steps to implement some or all of these good faith suggestions would do much to pre-empt such criticism. A failure to take any action would result in calls by many in the international community to deploy international human rights monitors. After reading the list, Samarasinghe noted that he had "been working on the same issues" but felt ineffective against the influence of the President's brothers, Defense Secretary Gothabaya Rajapaksa and Presidential Advisor Basil Rajapaksa, both of whom have taken a hard line view toward human rights. Samarasinghe agreed with the Ambassador that the GSL would face increased international criticism and pressure to address the human rights record in 2007. He remarked that President Mahinda Rajapaksa and his brothers "must stop the rhetoric and start delivering. There doesn't seem to be a feeling of urgency among the President and his brothers of the need to take action against what is happening. I'm very concerned."

Eloquence and Damage Control

14. (C) Minister Samarasinghe lamented that he had been appointed "for damage control" and to add credibility to the GSL's human rights efforts, but lacked true effectiveness. "There is no point in sitting here calling myself the human rights minister when I can't go beyond the words. I'm able to convince people to give me more time, but time is running out." He said that the International Independent Group of Eminent Persons (IIGEP) had "come to this level because of my perseverance. But I'm concerned that my name is being associated with the IIGEP process, and that it (the Presidential Commission of Inquiry to investigate human rights abuses) will be a failure, and that I will be a scapegoat."

15. (C) The Minister contended that his other moves to improve the infrastructure for accountability had been blocked. For instance, he had not been selected to chair a Select Committee on the 17th Amendment (for the establishment of independent commissions to monitor the police, judiciary and human rights) despite having introduced the bill "because there was a feeling that I would have seen it through." Instead, Constitutional Affairs Minister and committee chair Dew Gunasekara "says he's finished his work but needs the President's direction" to publish his findings on the defunct Constitutional Council, according to Samarasinghe.

Not Working for a Whitewash

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16. (C) Samarasinghe continued: "If I don't see the Commission of Inquiry going the way it should go, I will go public. I can't be part of a white wash. I have spent 18 years in politics. The President must back me if he wants me to do this. I haven't had an easy time with his brothers. Some sacrifices will have to be made to better the image of the Government." He added: "The international community is not satisfied with what is happening in Sri Lanka. We will have no support if we do not arrest the (human rights) situation."

Supporting NGOs Publicly

17. (C) Ambassador expressed concern about the ongoing campaign of sections of the GSL against non-governmental organizations and invited the Minister to participate in a press conference that he and several other heads of mission planned on February 7 to express support for the good work that NGOs do for the citizens of Sri Lanka. The Ambassador stressed that the press conference would illustrate the positive work international NGOs are doing around the country and counter claims that some are supporting the LTTE. The Minister agreed that "it is time that a cabinet minister" stands up for the solid work of NGOs and that he could only take part in a press conference that promoted such a positive agenda. Samarasinghe added that such a public conference "would help the GSL also. I think some NGOs are considering pulling out of Sri Lanka because they don't feel wanted." He asked that the Ambassador raise these same issues with President Rajapaksa. Ambassador undertook to do so.

Stop the Rhetoric, Deliver

18. (C) Comment: Mahinda Samarasinghe is an eloquent and candid interlocutor who understands the problem but feels deeply frustrated that the President and his brothers have thus far failed to heed his repeated entreaties to them to take action to address the grave human rights situation. Samarasinghe also is disappointed that the President failed to reward his loyalty by granting him a more senior Ministry

in the recent Ministerial re-shuffle.
BLAKE